

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

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FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD REFERRAL: 99L-07
DATE ACTIVATED: August 25, 1999

EXPIRATION OF STATUTE OF
LIMITATIONS: October 15, 2003
STAFF MEMBERS: Tony Buckley
Karen White

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Feingold Senate Committee and Reuben Damm, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(6)(A)

I. GENERATION OF MATTER

The Office of the General Counsel received a referral from the Reports Analysis Division ("RAD") on July 2, 1999. The basis for the referral is the failure of Feingold Senate Committee and Reuben Damm, as treasurer ("Respondents"), to file thirty-eight 48-Hour notifications ("48-Hour Notices") for contributions totaling \$51,726.73.¹ In its referral, RAD also noted that the Respondents filed a 48-Hour Notice showing a \$2,000 contribution from one individual and that the Schedule A listed separate \$1,000 contributions on the same date from that individual and another individual who appears to be the individual's wife. This Office has included the absence of a 48-Hour Notice for the second individual as part of Respondents' violation.

¹ In its referral, RAD noted that Schedule A of the 1998 30 Day Post-General Report contained contributions for three individuals with the same or similar names as individuals listed on 48-Hour Notices, but that the addresses on the two filings for these individuals were different. The amounts and dates of receipt are identical. The FEC indices show only one contribution each from these three individuals to Respondents in the relevant time period. Therefore, this Office has concluded that both references are to the same individuals, and has not included their contributions as part of the violation. At this time, we are making no recommendation regarding possible misreporting of the individuals' addresses.

II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, see Attachment 1, this Office recommends the Commission find reason to believe the Respondents violated 2 U.S.C. § 434(a)(6)(A).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

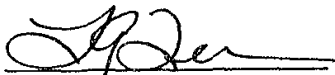
In addition to the reason to believe recommendation, this Office recommends that the Commission offer to enter into conciliation with the Respondents prior to a finding of probable cause to believe. Attached for the Commission's approval is a proposed conciliation agreement

IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that Feingold Senate Committee and Reuben Damm, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached Factual and Legal Analysis, proposed conciliation agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

10/19/99
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments:

1. Factual and Legal Analysis
2. Proposed Conciliation Agreement